

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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MONTY P. MILBOURNE,

1:20-cv-0012 (NLH)

Petitioner,

MEMORANDUM OPINION  
& ORDER TO SEAL

v.

RICHARD SMITH,

Respondent.

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**APPEARANCES:**

Monty P. Milbourne  
46305  
Cumberland County Department of Corrections  
54 West Broad St.  
Bridgeton, NJ 08302

Petitioner Pro se

Jennifer Webb-McRea, Cumberland County Prosecutor  
Andre R. Araujo, Assistant Prosecutor  
Office of the Cumberland County Prosecutor  
115 Vine Street  
Bridgeton, NJ 08302

Attorneys for Respondent

**HILLMAN, District Judge**

WHEREAS, Petitioner Monty Milbourne filed this petition for writ of habeas corpus on January 2, 2020, see ECF No. 1; and

WHEREAS, Respondent filed its answer and exhibits under temporary seal on April 29, 2020, see ECF No. 30; and

WHEREAS, Respondent filed redacted copies of certain

exhibits, see ECF No. 31; and

WHEREAS, “[i]t is well-settled that there exists, in both criminal and civil cases, a common law public right of access to judicial proceedings and records. The public's right of access extends beyond simply the ability to attend open court proceedings. Rather, it envisions a pervasive common law right to inspect and copy public records and documents, including judicial records and documents.” In re Cendant Corp., 260 F.3d 183, 192 (3d Cir. 2001) (internal citations and quotation marks omitted); and

WHEREAS, a party seeking to seal portions of the judicial record from public view bears party “bears the heavy burden of showing that the material is the kind of information that courts will protect and that disclosure will work a clearly defined and serious injury to the party seeking closure.” Millhouse v. Ebbert, 674 F. App'x 127, 128 (3d Cir. 2017) (per curiam) (internal quotation marks and citations omitted); and

WHEREAS, the information that is redacted by Respondent from Docket Numbers 30-1, 30-2, 30-5, 30-6, 30-11, 30-13, and 30-64 is Petitioner's sensitive personal information or other information that is restricted by Local Civil Rule 5.2(17). Respondent has filed redacted versions of these exhibits; and

WHEREAS, Docket Number 30-43 is a motion originally filed by trial counsel in state court that contains sensitive medical

information,

THEREFORE, IT IS on this 27th day of May, 2020

ORDERED that Clerk of the Court shall unseal Docket Numbers 30; 30-3 through 30-4; 30-7 through 30-10; 30-12; 30-14 through 30-42; 30-44 through 30-63; and 30-65 through 30-77; and it is further

ORDERED that Docket Numbers 30-1; 30-2; 30-5; 30-6; 30-11; 30-13; 30-43; and 30-64 shall remain sealed; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.